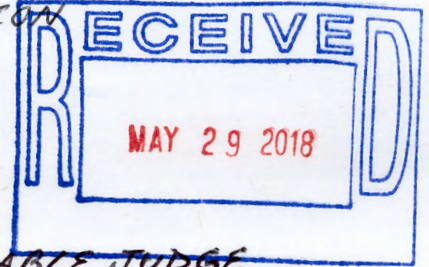


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARYL COOK,  
Plaintiff  
v.  
CITY OF PHILADELPHIA, et al.,  
Defendants

**FILED:** CIVIL ACTION  
MAY 29 2018 : NO. 17-331  
By KATE BARKMAN, Clerk  
Dep. Clerk

: (THE HONORABLE JUDGE  
: ROBRENO)



**SUPPLEMENTAL MOTION FOR APPOINTMENT OF COUNSEL  
AND DECLARATION**

Plaintiff hereby incorporate herein, by way of reference, his "Motion for Appointment of Counsel and Declaration" on file, and thus add the following thereto:

Contrary to Defendant Shoffel's argument that, "Plaintiff fails to state a procedural due process claim," as indicated in the "Complaint" and "Motion for Appointment of Counsel and Declaration," Plaintiff was deprived of his property interest in his "default judgments" against Detective Gregory Rodden and Lieutenant Dean without notice

or opportunity to be heard. Thus, Plaintiff is entitled to recovery as a result of Defendant Shoffel failing to serve Plaintiff with a copy of her petition to open judgment or attach a Rule to Show Cause Order form to her petition and/or as a result of the Trial Court Action judge or Defendant Motion Clerk failing to issue a Rule to Show Cause Order as of course. See Motion For Appointment of Counsel and Declaration. See also King-vision Pay-Per-View LTD v. Lake Alice Bar, 168 F.3d 347, 1999 U.S. App. LEXIS 1762, 99 Cal. Daily Op. Service 1063, 99 Daily Journal DAR 1329, 42 Fed. R. Serv. 3d (Callaghan) 1358 (9th Circuit 1999) (indicating at 168 F.3d 352 that a judgment is property, so taking it away requires due process of law). Accordingly, Plaintiff should be granted judgment in his favor and the relief demanded in his Complaint or such other relief this Honorable Court deem just, equitable and proper, or counsel should be appointed to conduct dis-



covery if the Court conclude that more evidence is necessary or a trial is necessary to prove that Plaintiff is entitled to judgment as a matter of law. Id.

WHEREFORE, for the foregoing reasons, Plaintiff hereby respectfully pray for an order denying Defendant Shoffel's Motion for Summary Judgment and granting judgment in favor of Plaintiff, or appointing counsel to conduct discovery and all further proceedings, and he shall forever pray.

Date: May 23, 2018

Respectfully submitted,

Daryl Cook

DARYL COOK

Pro Se Plaintiff

CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing Motion to be served on this 23<sup>rd</sup> day of May, 2018, by first class mail, to: Meghan E. Claiborne, Esq., Assistant City Solicitor, City of Philadelphia Law Department, 1515 Arch Street, 14th Fl., Phila., PA 19102, (215) 683-5447 (Counsel for Defendant Shoffel)

By: Daryl Cook

DARYL COOK

JR8635, SCI Fayette

48 Overlook Drive

LaBelle, PA 15450-1050

Daryl Cook, #JR8635  
Sci Fayette  
48 Overlook Drive  
LaBelle, Pa 15450-1050

URGENT  
LEGAL MAIL

**USMS X-1000**

Office of the Clerk  
United States District Court  
For the Eastern District of Pennsylvania  
601 Market Street  
Phila., PA 19106

PITTSBURGH PA 150

24 MAY 2018 PM 9 L



**pci**

**"Inmate Mail - PA DEPT. OF CORRECTIONS"**

19106-179699

